

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DANA MALLETT,

Plaintiff,

v.

DR. NIDAL MOUKADDAM,

Defendant.

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CIVIL ACTION NO. H-05-3534

**MEMORANDUM OPINION AND ORDER**

The plaintiff in the above-styled cause has not responded to this court's order of January 25, 2006, which required the plaintiff to submit a more definite statement of the facts on which his complaint is based no later than February 24, 2006. See Order for More Definite Statement, Docket Entry No. 3. The court's Order specifically provided that "(f)ailure to comply as directed may result in the dismissal of this action." Id. The plaintiff's failure to pursue this action forces this court to conclude that he lacks due diligence.

Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, this court determines that dismissal for want of prosecution is appropriate. See FED. R. CIV. P. 41(b); Link v. Wabash R.R., 82 S.Ct. 1386 (1962); Woodson v. Surgitek, Inc., 57 F.3d 1406, 1417 (5th Cir. 1995). The plaintiff

is advised, however, that upon a proper showing, relief from this order may be granted in accordance with FED. R. CIV. P. 60(b). See Link, 82 S.Ct. at 1391.

Accordingly, it is hereby **ORDERED** that this action be **DISMISSED** without prejudice for want of prosecution.

The Clerk shall provide copies of this Memorandum Opinion and Order to the parties.

**SIGNED** at Houston, Texas, on this 10<sup>th</sup> day of March, 2006.

  
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SIM LAKE  
UNITED STATES DISTRICT JUDGE